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LETTER DATED 22 SEPTEMBER 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have been instructed by my Government to convey its views and positions on the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/1999/987) of 16 September 1999.

1. The report is not fully reflective of the situation in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia, and this prevents the Security Council from obtaining a full insight into that situation and from forming appropriate positions. To rectify this, the Federal Republic of Yugoslavia proposes that the Council despatch a delegation to Kosovo and Metohija to ascertain the real situation.

2. The disarmament of the so-called Kosovo Liberation Army (KLA) has not been effected as provided for by Security Council resolution 1244 (1999) nor is the International Security Force (KFOR) determined to enforce it. The terrorists have been given three months to continue their pogroms against the Serbs and to carry out ethnic cleansing and to conceal arms in bunkers built specifically for these purposes in Kosovo and Metohija (Drenica, Gnjilane, Prizren, Malesevo, Podujevo) or to transport them to Macedonia where, according to reliable data, 30,000 rifles have been stacked. This is made possible due to uncontrolled borders since the Yugoslav Army and border police have not been deployed.

3. Some of the measures taken by the Special Representative of the United Nations Secretary-General, Bernard Kouchner, are not only contrary to Security Council resolution 1244 (1999), but are in effect instrumental in promoting the secession of Kosovo and Metohija. Some of the regulations (see annex to the report) amount to a flagrant violation of the resolution, as they disregard or directly undermine the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. This, in particular, is true of Regulation No. 1999/3 on the Establishment of the Customs and Other Related Services in Kosovo, and Regulation No. 1999/4 on the Currency Permitted to Be Used in Kosovo. These Regulations have no legal or political basis in Council resolution 1244 (1999), aid and abet terrorism and separatism and amount in all practical terms to the continuation of the aggression against the Federal Republic of Yugoslavia by other means.

4. The report is silent about the responsibility of Albanian terrorists for the acts of terrorism conducted against the Serbs and other non-Albanians following the arrival of the United Nations Interim Administration Mission in Kosovo (UNMIK). The silence all but exculpates those responsible for those acts. Of particular concern is the open support given in the report to the idea of creating the "Kosovo Corps", which is also contrary to Security Council resolution 1244 (1999), providing for a full demilitarization of the so-called Kosovo Liberation Army. The change of the name of the terrorist organization, branded as terrorist also by some high-ranking officials in the State Department, and its military and political legalization are the most serious form of violation of the resolution and a threat to the sovereignty of the Federal Republic of Yugoslavia.

5. Calling the border crossings of the Federal Republic of Yugoslavia towards Macedonia and Albania "international border crossings of Kosovo" in the report of the Secretary-General is both the setting forth of a misnomer and an arrant violation of Security Council resolution 1244 (1999). The southern Serbian province is part of the Federal Republic of Yugoslavia and has no international legal personality.

6. Disregarding the authorities of the Republic of Serbia and the Federal Republic of Yugoslavia in solving the situation in Kosovo and Metohija is grist to the mill of terrorist and other separatist forces whose avowed goal is Kosovo's and Metohija's secession from the Federal Republic of Yugoslavia, de jure and de facto, whereby conditions would be created for the creation of Greater Albania.

7. The report attaches special importance to the Kosovo Transitional Council, the aim of which is, allegedly, to enable the local population to participate in decision-making throughout Kosovo. Considering that no legal representatives of Kosovo and Metohija Serbs are represented in the Council, it cannot represent the interests of the Serbian population.

8. Instead of focusing on the failure of KFOR and UNMIK to maintain security in Kosovo and Metohija, to protect the life of all its residents and their property and to ensure public peace and order, the report glides over these serious shortcomings of the United Nations presences with a meek statement to the effect that "the level and nature of violence in Kosovo, especially against vulnerable minorities, remains a major concern" (para. 4). Besides, the implication that the Serbs are a minority in Kosovo and Metohija, part of the Yugoslav constituent Republic of Serbia - in other words, in their own State - is contrary to all relevant norms of international law and conducive to secession. It is hard to understand that the report should have dubbed the KLA leadership a legitimate partner of the Special Representative of the United Nations Secretary-General, while the sad and sorry result of KLA terror against the Serbs and other non-Albanians (over 350 of them have been murdered, over 500 have been wounded, over 320 have been abducted and 250,000 have fled the Province) makes the statement to the effect that "senior KLA figures have denied KLA involvement in attacks and called for non-Albanians to remain in Kosovo and repeatedly affirmed their commitment to human rights, tolerance and diversity" sound callous and hollow.

9. The report is not realistic in having expected that about 4,000 of the allegedly 10,000 registered KLA combatants would have disarmed by 19 September 1999. Brutalization and ethnic cleansing of non-Albanians, often concealed by the United Nations presences, are indefensible, since they have resulted from their failure to implement Security Council resolution 1244 (1999). The concealment is a function of the protection of the so-called Kosovo Liberation Army by these presences and an illustration of their failure to take appropriate steps to implement the resolution. Moreover, the members of the terrorist organization are expected to join the new police, fire and civil services.

Describing the humanitarian situation, the report does highlight the plight of the Serbs and other non-Albanians, driven out from Kosovo and Metohija, but fails to address the humanitarian needs of over 250,000 of them who left Kosovo and Metohija and of tens of thousands of those who have been expelled from their homes but remain in Kosovo and Metohija.

In presenting its views and positions, the Government of the Federal Republic of Yugoslavia expects that they will be taken into account during the consideration of the report and the conclusions of the Security Council will be in line with Council resolution 1244 (1999).

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.